

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CHARLES N. SCHWARZ, JR. et al., §
§
Plaintiffs, §
§
v. § CIVIL ACTION NO. H-07-cv-0410
§
HARRY L. BOWLES, et al., §
§
Defendants. §

MEMORANDUM AND ORDER

Pending before the Court is Plaintiffs' Motion to Remand (Doc. No. 5), Plaintiffs' Motion for Sanctions (Doc. No. 10), and Plaintiffs' Motion to Strike (Doc. No. 11). Defendants have offered no basis whatsoever for federal jurisdiction over the removed matter, and thus Plaintiffs' Motion to Remand is **GRANTED**. This case is therefore **REMANDED** to the 151st Judicial District Court of Harris County, Texas. A certified copy of this order should be mailed by the Clerk of this Court to the Clerk of the 151st Judicial District Court of Harris County.

Because Defendants' removal was not only improper but patently frivolous, this Court, in its discretion, awards Plaintiffs attorney's fees in the amount of \$6,300. *See* 47 U.S.C. § 1447(c). Defendants and their counsel, James D. Farmer, shall be jointly and severally liable for these fees.

Defendants also made false statements in their filings with this Court, and therefore Plaintiffs' Motion for Sanctions is **GRANTED**. Sanctions in the amount of \$5,000 are imposed jointly and severally against Defendants and their counsel, James D. Farmer. In addition, Plaintiffs' counsel is entitled to recover attorney's fees in the amount of \$4,500 for the time spent

preparing the Motion for Sanctions. Defendants and Mr. Farmer are again jointly and severally liable for these fees.

Plaintiff's Motion to Strike is **DENIED AS MOOT**, but Mr. Farmer is also **ORDERED** not to make any further filings or appearances in this Court until he secures membership in the bar of the Southern District of Texas.

IT IS SO ORDERED.

SIGNED this 11th day of April, 2007.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH THEY MAY HAVE BEEN SENT ONE BY THE COURT